

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

R.A. JR. (a minor child, by and through his)
Father and next friend, Richard Lemmel)
Arnold,)

Plaintiff,)

VS.)

Case No.: CV-3:06-cv-337-WHA

DEPUTY SHERIFF WALTER LACEY,)

Defendant.)

DEFENDANT'S TRIAL BRIEF

COMES NOW the Defendant, Deputy Walter Lacey, and pursuant to this Court's Pretrial Order respectfully submits Defendant's Trial Brief:

During the Pretrial Conference held in this matter on April 5, 2007, the Court asked that counsel address the issue of Special Interrogatories for consideration by the jury. The Eleventh Circuit Court of Appeals has noted that the jury decides the issue of historical fact that are determinative of the qualified immunity defense. *Cottrell v. Caldwell*, 85 F.3d 1480, 1488 (11th Cir. 1996).

Attached hereto are proposed Defendant's Requested Special Interrogatories to the Jury for the Court's consideration.

/s/ C. Winston Sheehan, Jr.

C. WINSTON SHEEHAN, JR.

Attorney for the Defendant, Walter Lacey

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2007, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following registered persons and that those persons not registered with the CM/ECF system were served by U.S. mail:

Hon. Arlene M. Richardson

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/s/ C. Winston Sheehan, Jr.

OF COUNSEL